

40324706



Superfund

No. 9188.

SPECIAL OWNERSHIP LIST

TRACT IV 78-27-0-40-03-002 (Tax Tract No. 422-Iola City)

A tract of land situated in the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter (SW/4 NE/4 & NW/4 SE/4) of Section Twenty-seven (27), Township Twenty-four (24) South, Range Eighteen (18) East of the Sixth Principal Meridian, more particularly described as follows: BEGINNING at the Northwest corner of Lot Eight (8), Iola Industrial Tract No. 1, an Addition to the City of Iola, said point being 1,281.1 feet East and 1,272.35 feet South of the Northwest corner of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of said Section 27; thence West parallel to the North side of the said Southwest Quarter of the Northeast Quarter (SW/4 NE/4) 400 feet; thence South parallel to the West side of Iola Industrial Tract, 362.60 feet to a point 30 feet North of the center line of West Lincoln Street road; thence East parallel to the West Lincoln Street Road, 400 feet to the West side of Lot 8 of Industrial Tract, thence North along the West side of Lot 8, 372.25 feet to the point of beginning,

Westbottom Properties,  
Inc.

- AND -

TRACT V 78-27-0-40-04-001

(Tax Tract No. 426A1-Iola Township)

A tract of land located in the Southeast Quarter (SE 1/4) of Section Twenty-seven (27), Township Twenty-four (24) South, Range Eighteen (18) East of the Sixth Principal Meridian, described as follows, to-wit:

Carl C. Conger

Commencing at a point on the West line of said Southeast Quarter (SE 1/4) 426.94 feet South of the Northwest corner, being on the South line of the county road, thence East 907 feet, thence South 851 feet to the North line of the Missouri Pacific Railroad right-of-way, thence continuing on South across the railroad right-of-way 100 feet to the South line of said Railroad right-of-way, thence West parallel with said right-of-way 156.75 feet, thence South 768 feet, thence West 201.08 feet, thence South 353.05 feet to the center of the bed of Coon Creek, at a point 149 feet North of the South line of said Southeast Quarter (SE 1/4), thence in a Northwesterly direction up the center of the bed of Coon Creek to the West line of said Southeast Quarter (SE 1/4), thence North on said West line to the place of beginning, LESS and EXCEPT a strip of land 50 feet in width, being South and East 50 feet of a strip of land 75 feet wide on the South and East side of center line of tract as now located to what was formerly the W & J Lanyon, Smelter Works, beginning at North line of right-of-way of Ft. Scott, Wichita, and Western divisions of the Kansas and Colorado Pacific Railway (Now Missouri-Pacific Railroad) and extending 1240 feet more or less to the West line of what was formerly the W & J Lanyon Land; and EXCEPT the railroad right-of-way of Missouri-Pacific Main Line of 100 feet in width and switch right-of-way of 50 feet in width.

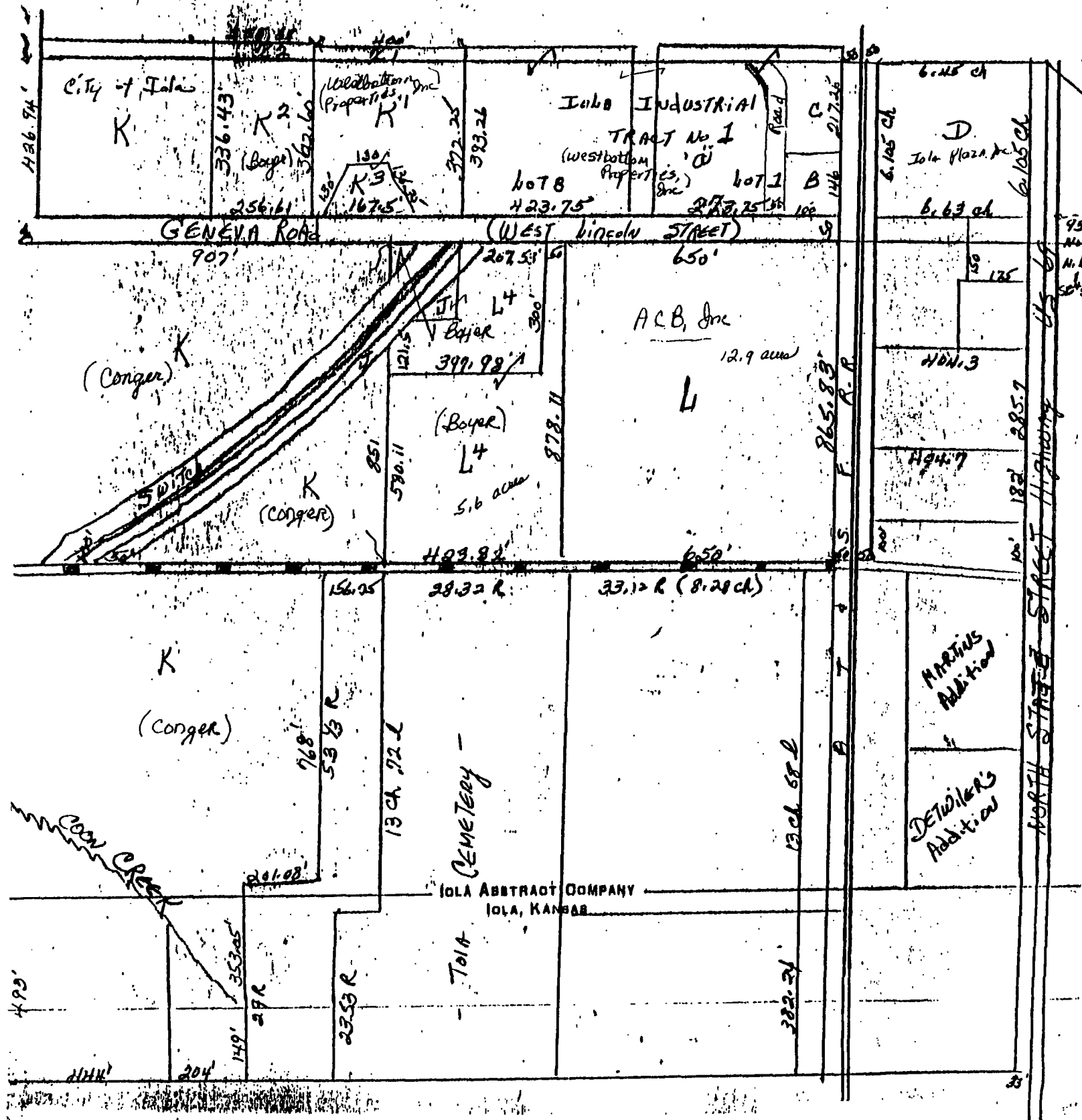
- AND -

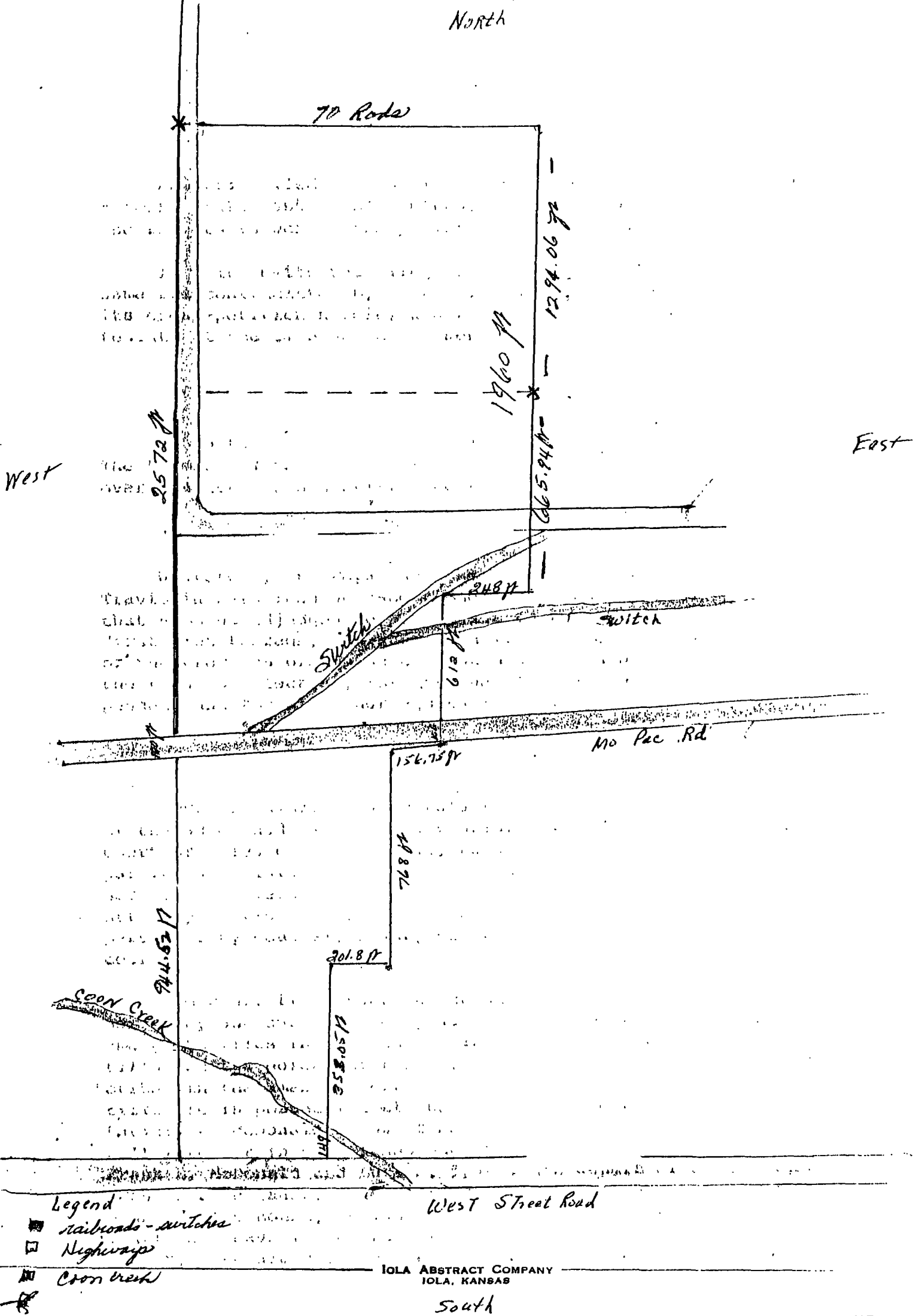
TRACT VI 078-27-0-40-03-003)

(Tax Tract No. 423-Iola Township)

Beginning at a point 818.1 ft.  
Easterly and 1272.35 ft. Southerly  
from the NW corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$   
of Section 27, Township 24 South,  
Range 18 East of the 6th P.M.,  
Allen County, Kansas, thence west  
parallel to the North line of said  
SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 256.55 ft.; thence Southerly  
at an angle of 90°14'20" to the last  
described course, parallel to the  
West line of Iola Industrial Tract  
#1, 336.43 ft. to a point 50 ft.  
Northerly at a right angle from the  
center line of West Lincoln St.;  
thence Easterly parallel to the  
center line of West Lincoln St.,  
at an angle to the last described  
course of 91°08'20", 256.61 ft.;  
thence Northerly at an angle of 88°  
51'40" to the last described course  
parallel to the west side of Iola  
Industrial Tract #1, 342.60 ft., to  
the point of beginning, containing  
1.9955 acres.

MARVIN E. BOYER OIL CO., INC.





That the following instruments are filed of record in the office of the Register of Deeds of Allen County, Kansas, pertaining to ownerships since approximately 1890:

---1---

United States  
By the President: Abraham Lincoln  
By W.O. Stoddard, Secretary  
(SEAL)  
J.N. Granger, Recorder of  
the General Land Office

PATENT

Dated June 1, 1861

Act of Congress approved  
March 3, 1855

Warrant No. 95567

Recorded Vol. 491, Page 287

Filed March 2, 1915 @ 8 A.M.

Hamilton M. Bird

Recorded Book 34, Page 50.

Grants:- The NE/4 of Section 27 in Township 24 South  
of Range 18 East in the District of Lands Subject  
to sale at Fort Scott, Kansas, containing 160  
acres.

---2---

Hamilton M. Bird

WARRANTY DEED

Dated November 28, 1860

Ack. November 28, 1860  
By Hamilton M. Bird  
Before J. R. Lambking, N.P.,  
Allen County, Kansas (SEAL)

to

James Mc Donald

Filed August 7, 1873

Consideration - \$176.00

Recorded Book "K", Page 450.

Convey and Warrant:- The SE/4 and the SW/4 of the NE/4 of  
Section number 27 in Township number 24  
South of Range number 18 East containing  
80 acres, more or less.

Signed: Hamilton M. <sup>his</sup> x Bird  
mark

Signed and Sealed and  
delivered in presence of  
J. B. Lambkin  
B. B. Bayne

---3---

United States  
By the President: Abraham,  
By W.O. Stoddard, Secy.,  
(SEAL)  
J. N. Granger, Recorder of  
the General Land Office

PATENT

Dated June 1, 1861

Act of Congress approved  
March 3, 1855

Warrant #95387

to

Recorded Vol. 491, Page 284

Filed August 9, 1873

James Mc Donald

Recorded Book "K", Page 451.

Grants:- The SE/4 of Section 27 in Township 24, South of  
Range 18 East, in the district of lands subject  
to sale at Fort Scott, Kansas, Containing 160  
acres according to the official Plat of the Survey  
of the said land returned to the general Land office  
by the Surveyor General.

---4---

J. M. McDonald and  
L. A. McDonald, his wife

to

Lanyon Zinc Company, a  
corporation

Consideration - \$750.00

RECEIPT, RELEASE AND WAIVER

Dated July 10, 1901

Ack. July 10, 1901  
Before W. C. Thrasher, N.P.,  
Allen County, Kansas (SEAL)

Filed July 12, 1901 @ 9 A.M.

Recorded Book M-9, Page 54.

For and in consideration of the sum of \$750.00, the receipt of which is hereby acknowledged, we the undersigned J. M. McDonald and L. A. McDonald, his wife, hereby release and discharge Lanyon Zinc Company, (a corporation) its successors and assigns of and from any and all liability for damages, already caused, or that may be hereafter caused up to the 1st day of January, 1903, by said Company, its successors and assigns, by noxious gases, fumes, vapors, acids, deposits or otherwise, in the operation or extension of its smelting plants, to the following described real estate, situated in Allen County, Kansas, to-wit:

Our homestead consisting of 95 acres, 60 acres thereof being in the SE/4 of Section 27, Township 24 South of Range 18 East, and 35 acres thereof being the NE/4 of the same Section, Township and Range,

and to the trees, shrubbery, vines, crops or other property heretofore, or that may be hereafter planted grown or placed on said land, or any part thereof, up to January 1, 1903, it being understood that said damages are apportioned as follows: Damages in full to and including the year 1900, \$45.00; for the year 1901, \$150.00 and for the year 1902, \$150.00,

And for the consideration hereinbefore stated we and each of us covenant and agree that we hereby wave and will release and discharge any and all rights claims, demands, and causes of action that may hereafter accrue to or in favor of us, or either of us in account of damages or injuries that may be hereafter caused to the land hereinbefore described or to the trees, shrubbery, vines, crops or other property hereafter planted, grown or placed on said lands, by noxious gases, fumes, vapor acids, deposits, or otherwise, in the operation or extension of the smelting plants of said Lanyon Zinc Company, up to the 1st day of January, 1903,

It is expressly understood and agreed that all the covenants and agreements hereinbefore set out shall extend to and be binding, upon the heirs, executors, administrators and assigns of the said J. M. McDonald and L. A. McDonald his wife,



J. M. McDonald and  
L. A. McDonald, his wife

## CONTRACT

Dated May 12, 1904

to

Ack. May 12, 1904  
Before W. T. Watson, N.P.,  
Allen County, Kansas (SEAL)

Lanyon Zinc Company, a  
corporation, chartered, organized and existing under the  
laws of the State of New Jersey

Filed May 12, 1904 @ 1:00 P.M.

Consideration - \$560.00

Recorded Book M-13, Page 554.

This agreement made by and between J. M. McDonald and L. A. McDonald his wife, as first parties, and Lanyon Zinc Company, a corporation, chartered, organized and existing under the laws of the State of New Jersey, as second party,

Witnesseth:

1st. For and in consideration of the sum of \$560.00 Dollars, the receipt of which is hereby acknowledged, and of the agreements of said second party hereinafter made, said first parties here by release and discharge said second party its successors and assigns from any and all claims, damages and liability, and waive all rights of action which have accrued or may accrue to their or either of them at any time on account of any injury caused during the year 1903, to the following described lands situated in Allen County, Kansas to-wit:

All of the S/2 of the NE/4 of Section 27 Township 24 Range 18 (except that part heretofore conveyed by first parties to N and J Lanyon); also a tract of about of about 60 acres in the W/2 of SE/4 of the same section. (being all the land owned by said first parties in said SE/ 4 of said section), or to any improvements, trees, shrubbery or crops placed or growing, or

attempted to be grown on said lands during said year, and an account of all other injuries and damages of every nature sustained during said year; caused by noxious fumes, gases, and, smokes or other vapors or agencies arising from the operation and maintenance of the zinc smelters now maintained and operated by said second party near to or in the vicinity of said lands.

2nd Said first parties agree to sell and convey by good and sufficient warranty deed, and by good title, and second party agrees to purchase from said first parties, that part of the aforesaid lands described as follows, to-wit:

That part of NE/4 of Section 27, Township 24, Range 18 Allen County, Kansas, bounded as follows: Beginning at a point on the North line of the S/2 of said NE/4 50 feet West of center of track of Southern Kansas Railway, (formerly Leavenworth, Lawrence & Galveston Railroad Company) thence West 70 rods and 12 links, thence South 53 rods and 17 links; thence East to a point 50 feet from center of said Railroad track, thence North parallel with, and 50 feet West of center of said track to place of beginning, containing 21 acres, the money consideration therefore being \$1680.00 Dollars the same to be paid upon delivery of the aforesaid deed and said deed to be delivered within \_\_\_\_\_ days from the date of the execution of this contract.

---5 continued.

3rd For and in consideration of the payment of the sums of money, and the purchase of lands as aforesaid, and in further consideration of the sum of \$500.00 Dollars, the receipt of which is hereby acknowledged; and of the further sum of \$2000.00 Dollars, to be paid as follows: \$500.00 Dollars on the 1st day of January 1905, \$500.00 dollars on the 1st day of January 1906, \$500.00 dollars on the 1st day of January 1907 and \$500.00 dollars on the 1st day of January 1908, said first parties hereby covenant; and agree that they and each of them will and do hereby release and discharge said second party, its successors and assigns, from any, and all claims, damages and liability, and waive all rights of action which may accrue to them, or either of them at any time, on account of any injury which may be caused within the period of 5 calendar years from January 1, 1904, to the lands described in paragraph "1st" hereof, or to any improvements trees shrubbery or crops which are now on,

or may be hereafter placed or grown or attempted to be grown upon the same and on account of all other injuries and damages of every nature, caused by noxious fumes, gases, acids, smokes or other vapors or agencies arising from the operation and maintenance of zinc smelters or other manufactories now maintained and operated, or which may be hereafter constructed maintained or operated by said second party, its successors or assigns, near to or in the vicinity of said lands, and as part of the aforesaid consideration said second party is to furnish to said first parties natural gas, free of charge for use in their residence up to the 1st day of January 1905.

4th Payment to J. M. McDonald of any of the money payments provided for in this contract shall be construed to be a payment to both of said first parties under the terms hereof.

5th The covenants and agreements contained in this contract shall extend to and be binding on the heirs, legal representatives, successors and assigns of both parties hereto and the covenants and agreements of said first parties shall be construed as running with the land.

---6---

IN THE DISTRICT COURT OF ALLEN COUNTY, KANSAS.

The Trust Company of America

Plaintiff

vs

Case No. 8464.

Lanyon Zinc Company, et al

Defendants.

Mortgage foreclosed Feb. 23, 1910, shows plaintiff is successor as trustee to Colonial Trust Co. as trustee, order of sale March 4, 1910 to Sheriff of Allen County, Kansas, directing him to advertise and sell the land and leases described in said mortgage in one lot.

All property sold at a sale made April 11, 1910 in Case No. 8464, includes the following; xx xx xx also all implements, fixtures, furniture, supplies, stock, leases, contracts, rights, franchises and all other property, real, personal or mixed, of every nature whatsoever, owned by said defendant, Lanyon Zinc Company, or its receiver.

Order returned showing sale April 11, 1910 to Chas. H. Warner, for \$250,000.00. Confirmation May 7, 1910. Redeemed by Edmund L. Judson Feby. 18, 1911.

Certificate of purchase cancelled by Chas. H. Warner, and surrendered Feb. 18, 1911.

---7---

Lanyon Zinc Company  
By Lowell M. Palmer, Prest.,  
Attest: E. L. Judson, Secy  
(SEAL)

to

Edmund L. Judson

Consideration - \$10.00

SPECIAL WARRANTY DEED

Dated February 10, 1911

Ack. February 10, 1911  
Before Clarence N. Hodge, N.P.,  
City, County and State of  
New York (SEAL)

Filed Feb. 22, 1911 @ 8:00 A.M.

Recorded Book 57, Page 122.

Conveys:- All real estate, and all other property sold as real estate at a sale made by the sheriff of Allen County in the State of Kansas, the 11th day of April, 1910, pursuant to an order of sale issued in civil action No. 8464 then pending in the District Court of said county, wherein the Trust Company of America, Trustee was plaintiff, and Lanyon Zinc Company et al were defendants, xx xx xx

Also all other property real personal or mixed, of every nature whatsoever now owned by said Lanyon Zinc Company or its said receiver.

---8---

Edmund L. Judson, and  
Marion L. Judson, his wife

to

Lanyon Zinc Smelting Company,  
a corporation,

Consideration - \$1.00

QUIT-CLAIM DEED

Dated March 9, 1911

Ack. March 9, 1911  
Before T. H. Spratt, N.P.,  
for City of N.Y. Richmond Co.  
State of New York (SEAL)

Filed March 16, 1911 @ 11:00 A.M.

Recorded Book 57, Page 141.

Release and Quit-Claim all their right, title and interest in and to all real estate and other property sold as real estate at a sale made April 11, 1910, under an order of sale issued in civil action No. 8464, including.

xx xx xx

And all other property real personal or mixed, of every nature whatsoever for use in or about works.

---9---

Lanyon Zinc Smelting Co.,  
By Lowell M. Palmer, Prest.,  
Attest: Chas G. Meyer, Secy.  
(SEAL)

to

J. B. Kirk

Consideration - \$1.00

Assigns:- xx xx xx

And it is the intention of the parties hereto that said first party shall and does hereby also assign and transfer to said second party all agreements, whether hereinbefore described or not, which in anywise extended, supplement, modify or change the leases and contracts hereinbefore specifically described.

ASSIGNMENT

Dated July 29, 1912

Ack. July 29, 1912  
Before James A. Byrne, N.P.,  
New York Co., N.Y. (SEAL)

Filed Aug. 3, 1912 @ 11:00 A.M.

Recorded Book M-22, Page 120

---10---

J. B. Kirk

to

The J. B. Kirk Gas and  
Smelting Company

Consideration - \$1.00

Assigns:- xx xx xx

And it is the intention of the parties hereto that said first party shall and does hereby also assign and transfer to said second party all agreements, whether hereinbefore described or not, which in anywise extend, supplement, modify or change the leases and contracts hereinbefore specifically described.

ASSIGNMENT

Dated August 20, 1912

Ack. August 20, 1912  
Before J. E. Powell, N.P.,  
Allen County, Kansas (SEAL)

Filed Aug. 21, 1912 @ 10:00 A.M.

Recorded Book M-22, Page 135.

Ed P. Sutherland, Sheriff  
of Allen County, Kansas

SHERIFF'S DEED IN PARTITION

Dated June 23, 1922

Ack. June 23, 1922  
Before Roy Foster, Clerk District  
Court  
Allen County, Kansas (SEAL)

Filed Sept. 24, 1927 @ 2:00 P.M.

Frank E. McDonald

Recorded Book 92, Page 227.

Consideration - \$1000.00

(U.S.I.R. Stamps Shown \$1.00)

Witnesseth: That the said party of the first part, sheriff afore-  
said by virtue of said order of court, in consideration of the sum of  
One Thousand (\$1,000.00) Dollars, the same being appraised value of  
their one-eighth interest of defendant Lura M. Travis, receipt of  
which is hereby acknowledged, does hereby grant, bargain, sell and  
convey unto the said party of the second party, his heirs and assigns  
forever, all the estate, right, title and interest of all the said  
parties to this said suit in and to all the following described real  
estate, situated in Allen County, State of Kansas, to-wit:

Commencing at the northwest corner of the west  
seventy rods of the southwest quarter of the

northeast quarter, section 27, township 24, range  
18, thence east seventy rods; thence south 1294.06  
feet to the south line of said quarter section;  
thence continuing on directly south in and upon  
the southeast quarter of said quarter section  
665.94 feet; thence west 248 feet; thence south  
612 feet to the north line of the Missouri Pacific  
Railway right of way 100 feet; thence continuing  
on south across the railroad right of way 100 feet  
thence from this point; thence run west parallel  
with said right of way 156.75 feet; thence south  
768 feet; thence west 201.08 feet; thence south  
353.05 feet to the center of the bed of Coon Creek  
at a point 149 feet north of the south line of  
said southeast quarter section; thence in a north-  
westerly direction up the center of the bed of  
Coon Creek to the west line of the west side of  
said quarter section; thence north on said west  
line to the northwest corner of the place of  
beginning first above described, containing 88  
and 23/100 acres, less 2 and 84/100 acres, and  
railroad right-of-way, Missouri Pacific Main line  
of 100 feet width and less switch right-of-way of  
50 feet width to oil loading rack and smelter.  
A plat hereto attached showing lines and marked  
Exhibit "A".

Judgment June 8, 1922, in an action then pending in the District  
Court of Allen County, Kansas No. 13731.

---12---

Lura M. Gard, a single person,  
Maxine G. Hudspeth and Edwin  
Hudspeth, her husband;  
Mildred C. Hensley and Clyde  
Hensley, her husband;  
Louise Hartwig and Herbert C.  
Hartwig, her husband,

QUIT CLAIM DEED

Dated April 25, 1949

Ack. April 28, 1949  
By Mildred C. Hensley and Clyde  
Hensley, her husband; and  
Louise Hartwig  
Before Marjorie G. Gard, N.P.,  
Allen County, Kansas (SEAL)

Ack. May 3, 1949  
By Lura M. Gard,  
Before Cora Marcoux, N.P.,  
St. Clair Co., Illinois (SEAL)

Ack. July 18, 1949  
By Herbert C. Hartwig,  
Before Hugh P. Cash, 1st Lt.  
USAF Summary Court, Wiesbaden,  
Germany, General Powers of Notary  
Public under Act of Congress  
approved 14 Dec 1942 Article of  
War 114, 56th Stat. 1050

Ack. April 30, 1949  
By Maxine G. Hudspeth and  
Edwin Hudspeth, her husband,  
Before Edward L. Heaghey, N.P.,  
City of St. Louis, Mo. (SEAL)

to

Anna McDonald Travis

Filed March 16, 1954 @ 9:30 A.M.

Consideration - \$1.00

Recorded Book 128, Page 35.

Remise, Release and Quit Claim:- xx xx xx also

All right, title and interest of the grantors in any and all  
lands in the W/2 of the SE/4 of Section 27, Township 24, Range 18.

The said Lura M. Gard, Maxine G. Hudspeth, Mildred C. Hensley  
and Louise Hartwig are the daughters and sole and only heirs of Cora  
McDonald Gard, deceased.

Mildred C. Hensley  
Clyde Hensley  
Louise Hartwig  
Lura M. Gard

Maxine G. Hudspeth  
Edwin Hudspeth  
Herbert C. Hartwig

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Frank E. McDonald, a single man; Lura M. Gard, a single woman; Maxine Hudspeth and Edwin W. Hudspeth, her husband; Mildred Hensley and Clyde W. Hensley, her husband Louise Hartwig and H. C. Hartwig, her husband; Rachel Sherer and F. D. Sherer, her husband

WARRANTY DEED-JOINT TENANCY

Dated April 10, 1959

Ack. April 10, 1959

By Frank E. McDonald, a single man  
Before Garnet C. Moore, N.P.  
Allen County, Kansas (SEAL)

Ack. April 14, 1959

By Lura M. Gard, a single woman  
Before Robert G. Porter, N.P.  
St. Clair County, Ill. (SEAL)

Ack. April 15, 1959

By Maxine Hudspeth and Edwin W. Hudspeth, her husband  
Before Horace F. Grimm, N.P.  
St. Louis County, Missouri (SEAL)

Ack. April \_\_, 1959

By Mildred Hensley and Clyde W. Hensley, her husband  
Before Harold E. Hamilton, N.P.  
Pulaski County, Missouri (SEAL)

Ack. April 27, 1959

By Louise Hartwig and H. C. Hartwig, her husband,  
Before Francis P. Murray, Lt. Col., USAF Judge Advocate, Headquarters, 7030th Support Group  
With The United States Armed Forces Abroad, APO 12, New York, New York (SEAL)

Ack. May 2, 1959

By Rachel Sherer F. D. Sherer, her husband  
Before Joe K. Zirkle, N.P.  
Jackson County, Missouri (SEAL)

Filed September 21, 1964 @ 11 A.M.

Recorded Book 142, Page 204

(U.S.I.R. Stamps shown \$9.35

Charles Shebanek and Ethel Shebanek, his wife, and the survivor of them as joint tenants, and not as tenants in common

Consideration \$1.00

Convey and Warrant: Com. at the NW cor. of the West 70 rods of SW/4 of NE/4, Sec. 27, Twp. 24 S., R. 18, East, of the 6th P.M., th. East 70 rods; th South 1294.06 feet to South line of said 1/4 Section; th. continuing on directly South in & upon the SE/4 of said 1/4 S&ec 665.94 feet; th. West 248 feet; th. South 612 ft. to North



---13 continued.

line of Mo. Pac. Ry. R/W 100 ft. th. continuing on South across the RR R/W 100 ft. Th. from this point; th. run. west parallel with said R/W 156.75 ft; th. South 768 ft; th. West 201.08 ft; th. South 353.05 ft. to center of bed of Coon Creek at a point 149 ft. North of the South line of said SE/4 Sec. th. Northwesterly direction up center of bed of Coon Creek to West line of West side of said 1/4 sec; th. North on said West line to the NW cor. of place of beginning first above described, containing 88 23/100 acres, more or less. Less and Except R/R R/W Mo. Pac. Main Line of 100 ft. and Switch R/W of 50 ft. in width to oil loading rack and smelter. Also less and except: (a) a strip of land in SE/4 of Sec. 27, 50 ft. in width, being South & East 50 ft. of a strip of land 75 ft. wide on South & East side of center line of track as now located to what was formerly the W & J Lanyon Smelter Works, beg. at North line of R/W of Ft. Scott, Wichita & Western Div. of Kansas & Colorado Pacific Railway (Now Mo. Pac. R. R. ) & extending 1240 ft. more or less to west line of what was formerly the W & J Lanyon land. (B) Beg. at point 2197.7 ft. North & 1445.8 ft. West of SE cor. of Sec. 27; th. South 239.5 ft. th. West 144.2 ft. to East line of property formerly owned by Iola Pipeline Co. th. in northeasterly direction on a line 75 ft. East and at right angles parallel to center line of Mo. Pac. R.R. to point of beginning, contg. 44 acres, more or less.

---14---

Kenneth M. Travis, a single  
man

WARRANTY DEED-JOINT TENANCY

Dated October 3, 1959

to

Ack. October 1959  
Before Garnet C. Moore, N.P.  
Allen County, Kansas (SEAL)

Charles Shebanek and Ethel  
Shebanek, his wife, and the  
survivor of them as joint  
tenants, and not as tenants  
in common

Filed September 21, 1964 4:11 A.M.

Consideration \$1.00

Recorded Book 142, Page 207

Convey and Warrant: Com. at the NW cor. of the West 70 rods of SW/4 of NE/4, Sec. 27, Twp. 24 S., R. 18, East, of the 6th P.M., th. East 70 rods; th. South 1294.06 feet to South line of said 1/4 Section; th. continuing on directly South in & upon the SE/4 of said 1/4 Sec. 665.94 feet; th. West 248 feet; th. South 612 ft. to North line of Mo. Pac. Ry. R/W 100 ft. th. continuing on South across the RR R/W 100 ft. th. from this point; th. run. west parallel with said R/W 156.75 ft; th. South 768 ft; th. West 201.08 ft; th South 353.05 ft. to center of bed of Coon Creek at a point 149 ft. North of the South line of said SE/4 Sec; th. Northwesterly direction up center of bed of Coon Creek to West line of West side of said 1/4 Sec; th North on said West line to the NW cor. of place of beginning first above described, containing 88 23/100 acres, more or less. Less and Except R/R R/W Mo. Pac. Main Line of 100 ft. and Switch R/W of 50 ft. in width to oil loading rack and smelter. Also less and except (a) a strip of land in SE/4 of Sec. 27, 50 ft. in width, being South & East 50 ft. of a strip of land 75 ft. wide on South & East side of center line of track as now located to what was formerly the W & J Lanyon Smelter Works, Beg. at North line of R/W of Ft. Scott, Wichita & Western Div. of Kansas & Colorado Pacific Railway (Now Mo. Pac. R. R.) & extending 1240 ft. more or less to west line of what was formerly the W & J Lanyon Land. (b) Beg. at point 2197.7 ft. North & 1445.8 ft. West of SE cor. of Sec. 27; th. South 239.5 ft. th. West 144.2 ft. to East line of property formerly owned by Iola Pipeline Co. th. in northeasterly direction on a line 75 ft. East and at right angles parallel to center line of Mo. Pac. R. R. to point of beginning, contg. 44 acres, more or less.

Charles E. Shebanek and Ethel  
M. Shebanek, husband and wife

## WARRANTY DEED-JOINT TENANCY

Dated October 6, 1965

Ack. October 6, 1965  
By Charles E. Shebanek, husband of  
Ethel M. Shebanek,  
Before Winifred Lawrence, N.P.,  
Allen County, Kansas (SEAL)

to

Ack. October 11, 1965  
By Ethel M. Shebanek, wife of Charles  
E. Shebanek,  
Before Marie Narey, N.P.,  
Contra Costa County, California (SEAL)

Harold W. Pierpoint and Barbara  
J. Pierpoint, husband and wife  
and the survivor of them as joint  
tenants, and not as tenants in  
common.

Filed January 4, 1966 @ 11:00 A.M.

Recorded Book 144, Page 22.

Consideration - \$1.00

(U.S.I.R. Stamps Shown \$4.95)

Convey and Warrant:- A tract of land located in the Southeast Quarter (SE/4) of Section 27, Township 24 South, Range 18 East of the Sixth Principal Meridian, described as follows, to-wit:

Commencing at the Northwest corner of said SE/4, thence East 70 rods; thence South 665.94 feet; thence West 248 feet; thence South 612 feet to the North line of the Missouri Pacific Railway right-of-way; thence continuing on South across the railroad right-of-way 100 feet to the South line of said railroad right of way; thence West parallel with said right-of-way 156.75 feet; thence South 768 feet; thence West 201.08 feet; thence South 353.05 feet to the center of the bed of Coon Creek at a point 149 feet North of the South line of said SE/4 of Section; thence in a Northwesterly direction up the center of the bed of Coon Creek to the West line of the West side of said Quarter Section; thence North on said West line to the Northwest corner of said SE/4, being the place of beginning;

LESS and EXCEPT: Railroad right-of-way of Missouri Pacific Main Line of 100 feet in width and switch right-of-way of 50 feet in width to oil loading rack and smelter.

ALSO LESS and EXCEPT the following described tracts:-

- (A). A tract lying North of the South boundary of the County Road described as follows: Commencing at the Northwest corner of the SE/4 of Section 27, Township 24 South, Range 18 East of the Sixth Principal Meridian, thence East 70 rods, thence South to the South boundary of the County Gravel Road running East and West through said Section, thence West to the West side of said Section, thence North along the Section line to place of beginning.
- (B). A strip of land in the SE/4 of Section 27, Township 24 South, Range 18 East of the 6th Principal Meridian, 50 feet in width, being South and East 50 feet of a strip of land 75 feet wide on the South and East side of center line of track as now located to what was formerly the W & J Lanyon Smelter Works, beginning at North line of right-of-way of Ft. Scott, Wichita, and Western division of the Kansas and Colorado Pacific Railway (Now Missouri Pacific Railroad) and extending 1240 feet more or less to the West line of what was formerly the W & J Lanyon land.
- (C). Beginning at a point 2197.7 feet North and 1445.8 feet West of the Southeast corner of Section 27, Township 24 South, Range 18 East of the 6th Principal Meridian, thence South 239.5 feet, thence West 144.2 feet to the East line of property formerly owned by the Iola Pipeline Company, thence in a Northeasterly direction on a line 75 feet East and right angles parallel to the center line of the Missouri Pacific Railroad to the point of beginning, containing .44 of an acre, more or less.

---16---

Harold W. Pierpoint and  
Barbara J. Pierpoint, his  
wife,

to

Frederick G. Apt, Jr.

Consideration - \$1.00

QUIT CLAIM DEED

Dated September 11, 1967

Ack. September 11, 1967  
Before Alberta Ann Jeffery, N.P.,  
Allen County, Kansas (SEAL)

Filed September 15, 1967 @ 10:25 A.M

Recorded Book 146, Page 489.

Remise, Release and QuitClaim:- All of the land owned by  
grantors lying in the Southeast Quarter (SE/4) of Section Twenty-  
seven (27), Township Twenty-four (24) South, Range Eighteen (18)  
East less the West 907 feet of said SE/4.

---17---

J. M. McDonald & L. A.  
McDonald his wife  
S. I. McDonald a widow  
and J. W. Todd & H. I. Todd,  
husband and wife, D. M. McCarty  
& Emma M. McCarty by S. I.  
McDonald their attorney in  
fact.

to

A. L. Taylor

Consideration \_\_\_\_\_  
Convey and Warrant:-

A strip of land in SE¼ Section 27, Township 24 South of  
Range 18 East 100 feet in width, 25 feet on the North and West side  
of the center line of tract as now located to where it intersects  
the public highway as now located and 15 feet from said intersection  
to the intersection with the W. & J. Lanyon land and 75 feet on  
the South and East side of the center line of track as now located  
to the W. & J. Lanyon Smelter works, Beginning at the North line of  
the right of way of the Ft Scott, Wichita and Western Division of  
the Kansas and Colorado Pacific Railway and extending 1240 ft more  
or less to the west line of the land of W. & J. Lanyon containing  
2.84 acres more or less reserving the right to cross said strip on  
the line where the private road is now located.

WARRANTY DEED

Dated June 29, 1897

Ack. June 30, 1897  
By J. M. McDonald & L. A. McDonald  
his wife, S. I. McDonald a widow -  
and S. I. McDonald atty in fact  
for J. W. Todd & H. I. Todd,  
D. McCarty and Emma McCarty  
Before H. R. Henderson, N.P.,  
Allen Co., KS (SEAL)

Filed July 31, 1897

Recorded Book 19, Page 525.

J. M. McDonald  
S. A. McDonald  
S. I. McDonald  
J. W. Todd  
H. I. Todd  
D. McCarty  
Emma McCarty by S. I.  
McDonald their attorney  
in fact.

---18---

Arthur L. Taylor &  
Julia E. Taylor, his wife

to

The Kansas & Colorado Pacific  
Railway Co.

Consideration - \$1.00

WARRANTY DEED

Dated June 30th, 1897

Ack. June 30th, 1897  
Before H. L. Henderson, N.P.,  
Allen Co., KS (SEAL)

Filed July 20" 1897 @ 10 A.M.

Recorded Book 19, Page 507.

Grant and Convey:- A strip of land in the South East Quarter of Section Twenty Seven (27) Township Twenty Four (24) South of Range Eighteen (18) East Fifty (50) feet in width, Twenty Five (25) feet on each side of Center line of track as now located to the W. & J. Lanyon Smelter Works except said strip shall extend only fifteen (15) feet north from the Center line of track from its intersection with the Public Road as now located to the west line of the land of W. & J. Lanyon & Beginning at the north line of the right of way of the Ft. Scott Wichita and Western Division of the Kansas & Colorado Pacific Railway and extending Twelve Hundred Forty (1240) feet more or less to the west line of the land of W. & J. Lanyon containing 1.42 acres more or less reserving the right to cross said strip on the line where the private road is now located.

---19---

Allen County, By Geo.  
Seymour, County Clerk,  
(SEAL).

to

Ray Taylor

Consideration - \$10.00

TAX DEED

Dated Dec. 13, 1926

Ack. Dec. 13, 1926  
Before J. B. Smith, P. J.  
Allen Co., Ks. (SEAL)

Filed Dec. 14, 1926 at 2 P.M.

Recorded Book 83, Page 101.

Conveys:- Strip adjoining Mo. Pacific Switch recorded in Book 19, Page 525, located in SE $\frac{1}{4}$  Sec. 27-24-18.

---20---

George Wood and wife,  
Mildred; Arthur H. Alcock  
and wife, Margaret.

QUIT-CLAIM DEED

Dated Dec. 23, 1927

Ack. Dec. 24, 1927  
Before A. H. Krone, N.P.,  
Neosho County, Kans. (SEAL)

to

Filed Jan. 4, 1928 at 9 A.M.

Ray Taylor.

Recorded Book 91, Page 159.

Remise, Release and Quit-Claim:-

All their undivided interests in a strip of land in the SE¼ 27-24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to where it intersects the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon land and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott, Wichita and Western division of the Kansas and Colorado Pacific Railway and extending 1250 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:- A strip of land in the SE¼ 27-24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works, except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.42 acres more or less, reserving the right to cross said strip on the line where the private road is now located.

Signed and acknowledged:-

Arthur H. Alcock  
Margaret M. Alcock  
Mildred M. Wood  
George E. Wood.

---21---

Beulah Alcock Fourney,  
J.C. Fourney, Lucille  
Alcock,

to

Ray Taylor.

Quit-Claim Deed \$1.00  
Dated Dec. 21, 1927  
Ack; same by Beulah Alcock  
Fourney and J.C. Fourney,  
Before Margaret Dougherty,  
NP, Jackson Co., Mo. 18,  
Filed Jan. 4, 1928 9 A.M.  
Recorded Book 91, Page 160.

Remise, Release and Quit-Claim:-

All their undivided interests in a strip of land in the SE $\frac{1}{4}$  27-24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to where it intersects the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon land and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott, Wichita and Western division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:- A strip of land in the SE $\frac{1}{4}$  27-24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works, except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.42 acres more or less, reserving the right to cross said strip on the line where the private road is now located.

Ack. Dec. 23, 1927 by Lucille Alcock, a single woman, Before D.M. Kennedy, NP, Neosho County, Kansas, (SEAL).

---22---

Ella C. Taber,  
a widow,

to

Ray Taylor,

Quit-Claim Deed \$1.00  
Dated Dec. 19, 1927  
Ack. Dec. 27, 1927  
Before E. A. Hanes, NP,  
Franklin County, Kans. (SEAL).

Filed Jan. 4, 1928 9 A.M.  
Recorded Book 91, Page 161.

**Remise, Release and Quit-Claim:-**

All their undivided interests in a strip of land in the SE $\frac{1}{4}$  of Sec. 24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to where it intersects the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon land and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott, and Western division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:- A strip of land in the SE $\frac{1}{4}$  of Sec. 24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works, except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.42 acres more or less, reserving the right to cross said strip on the line where the private road is now located.



---23---

Mrs. Gertrude Craig and  
J. R. Craig, wife and husband.

QUIT-CLAIM DEED

Dated Dec. 19, 1927

Ack. Dec. 19, 1927  
By Mrs. Gertrude Craig  
Before Catherine Ellenbuger, N.P.  
Lyon County, Kans. (SEAL)

to

Ack. Dec. 22, 1927  
By J. R. Craig  
Before O.S. Myers, N.P.  
Elk County, Kansas (SEAL)

Ray Taylor

Filed Jan. 4, 1928 at 9 A.M.

Consideration - \$1.00

Recorded Book 91, Page 162.

Remise, Release and Quit-Claim:-

All their undivided interests in a strip of land in the SE $\frac{1}{4}$  27-24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to where it intersects the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon land and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott, Wichita and Western division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:- A strip of land in the SE $\frac{1}{4}$  27-24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works, except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.42 acres more or less, reserving the right to cross said strip on the line where the private road is now located.

---24---

Glen Alcock,

to

Ray Taylor.

Quit-Claim Deed \$1.00

Dated Dec. 17, 1927

Ack. Dec. 17, 1927

Before W. H. Campbell, NP,

Miami Co., Kans. (SEAL),

Filed Jan. 4, 1928 9 A.M.

Recorded Book 91, Page 163.

Remises, Releases and Quit-Claims:-

All their undivided interests in a strip of land in the SE $\frac{1}{4}$  27-24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to where it intersects the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon Road and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:- A strip of land in the SE $\frac{1}{4}$  27-24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works, except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.42 acres more or less, reserving the right to cross said strip on the line where the private road is now located.

---25---

O.L. Alcock and Olive  
Alcock, his wife.

to

Ray Taylor.

Quit-Claim Deed \$1.00  
Dated Dec. 16, 1927  
Ack. Dec. 16, 1927  
Before C.M. Christensen,  
NP, Tulsa Co., Okla.  
(SEAL).  
Filed Jan. 4, 1928 9 A.M.  
Recorded Book 81, Page 164.

Remise, Release and Quit-Claim:-

All their undivided interests in a strip of land in the SE $\frac{1}{4}$  27-24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to where it intersects the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon land and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott, Wichita and Western division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:- A strip of land in the SE $\frac{1}{4}$  27-24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works, except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.42 acres more or less, reserving the right to cross said strip on the line where the private road is now located.

---26---

Ella T. Ewing and Adlai M.  
Ewing, her husband,

to

Ray Taylor,

Quit-Claim Deed \$1.00  
Dated Sept. 29, 1927  
Ack. Sept. 29, 1927  
Before D.W. McKinley, NP. (SEAL)  
Montgomery Co., Kans.  
Filed Jan. 4, 1928 4 P.M.  
Recorded Book 92, Page 261.

Remise, Release and Quit-Claim:-

All their undivided interests in a strip of land in the SE $\frac{1}{4}$  27-24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to where it intersects the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon land and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott, Wichita and Western division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:- A strip of land in the SE $\frac{1}{4}$  27-24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works, except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.42 acres more or less, reserving the right to cross said strip on the line where the private road is now located.

---27---

Arthur Taylor and Vera  
Taylor, his wife.

to

Ray Taylor.

Warranty Deed \$1.00  
Dated Oct. 15, 1927  
Ack. Oct. 15, 1927  
Before Ralph T. Harding, NP,  
Jackson County, Mo. (SEAL).

Filed Jan. 4, 1928 9 A.M.  
Recorded Book 94, Page 265.

Conveys and Warrant:-

All the undivided interests in a strip of land in the SE $\frac{1}{4}$  27-24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to the intersection of the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon land and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott, Wichita and Western division of the Kansas and Colorado Pacific Railway and extend 1240 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:- A strip of land in the SE $\frac{1}{4}$  27-24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.42 acres more or less, reserving the right to cross said strip on the line where the private road is now located.

---28---

Irene Giesler and Otto  
Giesler, her husband.

to  
Ray Taylor.

Warranty Deed \$1.00  
Dated Sept. 15, 1927  
Ack. Oct. 29, 1927  
Before Billard F. Zimmerman,  
NP, Vernon Co., Mo. LB.  
Filed Jan. 4, 1928 9 A.M.  
Recorded Book 94, Page 266.

Conveys and Warrants:-

All their undivided interests in a strip of land in the  
S&W 27-24-18, 100 feet in width 25 ft. on the north and west side  
of the center line of track as now located to where it intersects  
the public highway as now located and 15 ft. from said intersection  
to the intersection with the N. & J. Lanyon Land and 75 feet on the  
south and east side of the center line of track as now located to  
the N. & J. Lanyon Smelter Works beginning at the north line of  
the right of way of the Ft. Scott, Wichita and Western Division of  
the Kansas and Colorado Pacific Railway and extending 1240 ft.  
more or less to the west line of the land of W. & J. Lanyon con-  
taining 2.84 acres more or less, reserving the right to cross said  
strip on the line where the private road is now located less the  
following:- A strip of land in the S&W 27-24-18, 60 ft. in width  
25 ft. on each side of center line of track as now located to the  
N. & J. Lanyon Smelter Works, except said strip shall extend only  
15 ft. north from the center line of track from its intersection  
with the public road as now located to the west line of the land  
of W. & J. Lanyon and beginning at the north line of the Wichita  
and Western Division of the Kansas and Colorado Pacific Railway  
and extending 1240 ft. more or less to the west line of the land of  
W. & J. Lanyon, containing 1.42 acres more or less, reserving the  
right to cross said strip on the line where the private road is  
now located.



---29---

Genevieve Taylor Rowe,

to

Ray Taylor,

Warranty Deed \$1.00  
 Dated Sept. 15, 1927  
 Ack. Oct. 26, 1927  
 Before Jno. W. Brown, NP  
 Baxter Co., Tex. (SEAL),  
 Filed Jan. 4, 1928 9 A.M.  
 Recorded Book 94, Page 267.

Conveys and Warrants:

All their undivided interests in a strip of land in the SW 27-24-18, 100 feet in width 25 ft. on the north and west side of the center line of track as now located to where it intersects the public highway as now located and 15 ft. from said intersection to the intersection with the W. & J. Lanyon land and 75 feet on the south and east side of the center line of track as now located to the W. & J. Lanyon Smelter Works beginning at the north line of the right of way of the Ft. Scott, Wichita and Eastern Division of the Kansas and Colorado Pacific Railway and extending 1840 ft. more or less to the west line of the land of W. & J. Lanyon containing 2.84 acres more or less, reserving the right to cross said strip on the line where the private road is now located less the following:— A strip of land in the SW 27-24-18, 50 ft. in width 25 ft. on each side of center line of track as now located to the W. & J. Lanyon Smelter Works, except said strip shall extend only 15 ft. north from the center line of track from its intersection with the public road as now located to the west line of the land of W. & J. Lanyon and beginning at the north line of the Wichita and Eastern Division of the Kansas and Colorado Pacific Railway and extending 1840 ft. more or less to the west line of the land of W. & J. Lanyon, containing 1.41 acres more or less, reserving the right to cross said strip on the line where the private road is now located.

---30---

Ray Taylor and Bess Beck  
Taylor, his wife.

WARRANTY DEED

Dated Feb. 1, 1928

to

Ack. Feb. 1, 1928  
Before T. A. Edgerton, N.P.,  
Allen Co., Ks. (SEAL)

The Iola Pipe Line  
Company, a corporation.

Filed Feb. 2, 1928 at 3 P.M.

Consideration - \$1.00

Recorded Book 94, Page 298.

Convey and Warrant:- A strip of land in the SE $\frac{1}{4}$  of Section 27, Township 24, Range 18, 50 feet in width, being the South and East 50 feet of a strip of land 75 feet wide on the South and East side of the center line of track as now located to the W. & J. Lanyon Smelter Works, beginning at the North line of the right of way of the Ft. Scott, Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 feet more or less to the west line of the W. & J. Lanyon land.

---31---

Lavinia A. McDonald,  
widow; Frank E. McDonald,  
single, Anna McDonald  
Travis and Frank L. Travis,  
her husband, Cora E. Gard  
and Scott Gard, her husband,

WARRANTY DEED

Dated April 14, 1928

Ack. April 14, 1928  
By Cora E. Gard and Scott Gard  
Before John B. Nunn, N.P.,  
St. Clair Co., Ill. (SEAL)

to

Ack. April 19, 1928  
By Lavinia A. McDonald, widow,  
and Frank E. McDonald, single  
Before W. C. Hankins, N.P.,  
Allen County, Kansas (SEAL)

Ack. April 16, 1928  
By Anna McDonald Travis and  
Frank L. Travis, her husband  
Before John T. Toby, N.P.,  
Wyandotte Co., Kans. (SEAL)

The Iola Pipe Line Company

Filed May 28, 1928 at 4:40 P.M.

Consideration - \$200.00

Recorded Book 94, Page 385.

Convey and Warrant:- Beginning at a point 2197.7 feet north and 1445.8 feet west of the SE corner of 27-24-18 thence South 239.5 feet, thence West 144.2 feet to the East property line of the Iola Pipeline Company, thence in a Northeasterly direction on a line 75 feet east and at right angles parallel to the center line of the Missouri Pacific Railroad to the point of beginning, containing .44 of an acre, more or less.



---32---

The Iola Pipe Line Company  
a corporation,  
By Forbes Cross, President  
Attest: George B. Collins,  
Secretary (SEAL)

ASSIGNMENT

Dated March 31, 1943

Ack. March 31, 1943  
Before Nadine Buellesfeld, N.P.  
Sedgwick Co., Kansas. (SEAL)

to

Forbes Cross

Filed Sept. 3, 1943 at 2:30 P.M.

Consideration - \$1.00

Recorded Book M-45, Page 394.

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of \$1.00 and other valuable considerations in hand paid, the receipt and sufficiency of which is hereby acknowledged, the undersigned, The Iola Pipe Line Company, a corporation, hereinafter called Assignor, does hereby sell, assign, transfer and set over unto Forbes Cross, hereinafter called Assignee, all of its right, title and interest in and to the following described property, to-wit:

- A. A certain six-inch crude oil pipe line starting approximately at the corner of the Southeast corner of Section 9, thence running in a southeasterly direction from said Section 9, through Section 16, Section 15, Section 21 and Section 27, all in Township 24 South, Range 18 East, Allen County, Kansas, to a loading rack on a spur line of the Missouri Pacific Railroad near the Iola, Kansas, station of said railroad, together with all fittings, connections, pumping equipment, and any and all property used in the operation and in connection therewith, together with any and all rights of way and easements of the said corporation:

together with all of the interest of the corporation in and to the following described property, to-wit:

Beginning at a point 2197.7 feet North and 1445.8 feet West of the Southeast corner of Section 27, Township 24 South, Range 18 East, thence South 239.5 feet, thence West 144.2 feet, to the East property line of the Iola Pipe Line Company, thence in a Northeasterly direction on a line 75 feet East and at right angles parallel to the center line of the Missouri Pacific Railroad to the point of beginning, containing .44 of an acre, more or less, Allen County, Kansas;

together with all of the interest of the corporation in and to the following described property, to-wit:

A strip of land in the SE $\frac{1}{4}$  of Section 27, Township 24 South, Range 18 East, 50 feet in width, being South and East 50 feet of strip of land 75 feet wide on South and East side of center line of track as now located to W & J Lanyon Smelter Works, beginning at North line of right of way of Ft. Scott, Wichita, and Western division of the Kansas and Colorado Pacific Railway and extending 1240 feet more or less to the West line of the W & J Lanyon land, Allen County, Kansas,

together with a like interest in and to all of the rights incident thereto, the personal property thereon, appurtenant thereto, or used or obtained in connection therewith.

---33---

Forbes Cross

ASSIGNMENT

to

Dated April 1, 1943

Kansas City Testing  
Laboratory (Incorporated)  
Assignee.

Ack. April 1, 1943  
Before Nadine Buellesfeld, N.P.  
Sedgwick Co. Kans (SEAL)

Filed Sept. 13, 1943 at 9 A.M.

Consideration \$1.00

Recorded Book M-45, Page 411.

does hereby sell, assign, transfer and set over unto Kansas City Testing Laboratory (Incorporated), hereinafter called assignee, all of the interest which the assignor acquired by a certain assignment dated March 31, 1943, from The Iola Pipe Line Company, a corporation, recorded in Book 45 M, at Page 394 of the records in the office of the register of Deeds in and for Allen County, Kansas, in and to the following described property, to-wit:

A certain six inch crude oil pipe line starting approximately at the corner of the SE $\frac{1}{4}$  of Section 9, thence running in a southeasterly direction from said Section 9, through Section 16, Section 15, Section 21 and Section 27, all in Township 24 South, Range 18 East, Allen County, Kansas, to a loading rack on a spur line of the Missouri Pacific Railroad near the Iola, Kansas station of said railroad, together with all fittings, connections, pumping equipment, and any and all property used in the operation and in connection therewith, together with any and all rights of way and easements of the said corporation;

together with all of the interest of said assignor in and to the following described property, acquired by virtue of the assignment above described, to-wit:

Beginning at a point 2197.7 feet North and 1445.8 feet West of the Southeast corner of Section 27, Township 24 South, Range 18 East, thence South 239.5 feet, thence West 144.2 feet, to the East property line of the Iola Pipe Line Company, thence in a Northeasterly direction on a line 75 feet East and at right angles parallel to the center line of the Missouri Pacific Railroad to the point of beginning, containing .44 of an acre, more or less, Allen County, Kansas.

together with all of the interest of said assignor in and to the following described property, acquired by virtue of the assignment above described, to-wit:

A strip of land in the SE $\frac{1}{4}$  of Section 27, Township 24 South, Range 18 East, 50 feet in width, being South and East 50 feet of strip of land 75 feet wide on South and East side of center line of track as now located to W & J. Lanyon Smelter works, beginning at North line of right of way of Ft. Scott, Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240 feet more or less to the West line of the W & J Lanyon land, Allen County, Kansas,

together with a like interest in and to all of the rights incident thereto, the personal property thereon appurtenant thereto, or used or obtained in connection therewith.

---34---

Kansas City Testing Laboratory,  
Inc. a corporation of Missouri,  
By Forbes Cross, President,  
Attest: Martha O. Lever, Sec.  
of the Kansas City Testing  
Laboratory, Inc. (SEAL)

to

Frederick G. Apt, Jr.

Consideration - \$1.00

CORPORATION DEED

Dated February 23, 1961

Ack. February 23, 1961  
Before Margaret M. Milar, N.P.,  
Jackson Co., Mo. (SEAL)

Filed January 24, 1962 at 11:30 A.M

Recorded Book 138, Page 248.

(U.S.I.R. Stamps Shown \$.55)

Conveys:- A strip of land in the SE $\frac{1}{4}$  of Section 27, Township 24, Range 18, 50' in width being the South and East 50' of a strip of land 75' wide on the South and East side of the center line of tract as now located in the W. & J. Lanyon Smelter Works, Beginning at the North line of the right-of-way of the Ft. Scott, Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending 1240' more or less to the West line of the W. & J. Lanyon Land

---35---

Cross Laboratories, Inc.,  
a corporation of Missouri,  
By Forbes Cross, President.  
Attest: Martha Lever, Secretary,  
of the Cross Laboratories, Inc.  
(SEAL)

to

Frederick G. Apt, Jr.

Consideration - \$1.00

CORPORATION DEED

Dated January 22, 1962

Ack. January 22, 1962  
By Forbes Cross, President of Cross  
Laboratories, Inc., a corporation of  
Missouri, and Martha Lever,  
Secretary.  
Before Mildred L. Files, N. P.,  
Jackson County, Missouri (SEAL)

Filed November 26, 1963 at 9:00 A.M

Recorded Book 141, Page 108.

Conveys:- A strip of land in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Twenty-four (24), Range Eighteen (18), Fifty Feet (50') in width being the South and East Fifty Feet (50') of a strip of land Seventy-five (75') feet wide on the South and East side of the center line of track as now located in the W. & J. Lanyon Smelter Works, beginning at the North line of the right-of-way of the Ft. Scott, Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending One Thousand Two Hundred Forty Feet (1240') more or less to the West line of the W. & J. Lanyon land;

Also,  
Beginning at a point 2197.7 feet North and 1445.8 feet West of the SE corner of section 27-24-18, thence South 239.5 feet, thence West 144.2 feet to the East property line of the Iola Pipeline Co., thence in a Northeasterly direction on a line 75 feet East and at the right angles parallel to the center line of the center line of the Missouri Pacific Railroad to the point of beginning, containing .44 of an acre, more or less.

This deed is given to correct description of that certain deed dated February 23, 1961, and recorded in Book 138 at Page 248, Register of Deeds Office, Allen County, Kansas.

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Kansas City Testing Laboratories,  
Inc., a corporation duly  
organized, incorporated, and  
existing under and by virtue  
of the laws of the State of  
Missouri

to

Frederick G. Apt, Jr.

Consideration - \$1.00

FOR FULL COPY, SEE FOLLOWING PAGE.

CORPORATION DEED--GENERAL WARRANTY

Dated January 4th, 1967

Ack. January 4, 1967

By Donald C. Sesso, President of  
Kansas City Testing Laboratories,  
Inc., a corporation of Missouri  
and Thomas W. Christopher,  
Secretary of said corporation,  
Before William D. Noel, N.P.,  
Jackson County, Missouri (SEAL)

Filed February 27, 1967 at 10:00 A.M

Recorded Book 145, Page 398.

THIS INDENTURE, Made this

15th day of January

A. D. 1967, between

Kansas City Testing Laboratories, Inc.,

a corporation duly organized, incorporated, and existing under and by virtue of the laws of the State of Missouri

Page 35.

---36 continued.

No. 9188.

and having its principal place of business at

Kansas City

in the State

of Missouri

, of the first part, and

Frederick G. Apt, Jr.

of

Allen

County, in the State of

Kansas

, of the second part:

WITNESSETH, That the said party of the first part, in consideration of the sum of One Dollar (\$1.00)

and other good and valuable considerations

\$\$\$

DOLLARS

the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said party of the

second part, his

heirs and assigns, all the following described real estate, situated in the County of Allen

and State of

Kansas

, to wit:

A strip of land in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Twenty-four (24), Range Eighteen (18), Fifty Feet (50') in width being the South and East Fifty Feet (50') of a strip of land Seventy-five (75') feet wide on the South and East side of the center line of tract as now located in the W. & J. Lanyon Smelter Works, beginning at the North line of the right-of-way of the Ft. Scott, Wichita and Western Division of the Kansas and Colorado Pacific Railway and extending One Thousand Two Hundred Forty Feet (1240') more or less to the West line of the W. & J. Lanyon land;

also

Beginning at a point 2197.7 feet North and 1445.8 feet West of the SE corner of Section 27-24-18, thence South 239.5 feet, thence West 144.2 feet to the East property line of the Iola Pipeline Co., thence in a Northeasterly direction on a line 75 feet East and at the right angles parallel to the center line of the Missouri Pacific Railroad to the point of beginning, containing .44 of an acre, more or less.

This deed is given to correct a certain corporate warranty deed dated January 22, 1962 and recorded in Book 141 at Page 108, Register of Deeds Office, Allen County, Kansas, and further to ratify and confirm that certain deed dated February 23, 1961, recorded in Book 138 at Page 248, Register of Deeds Office, Allen County, Kansas.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever;

And said Kansas City Testing Laboratories, Inc.

for itself, its successors and assigns, does hereby covenant, promise and agree, to and with said party of the second part, that at the delivery of these presents, it is lawfully seized in its own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above-granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments taxes, assessments and incumbrances, of what nature and kind soever

and that it will warrant and forever defend the same, unto said party of the second part, his heirs and assigns, against said party of the first part, its successors and assigns and all and every person or persons whomsoever, lawfully claiming or to claim the same.

Page 36.

No. 9188.

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Frederick G. Apt, Jr., and  
Denise C. Apt, his wife,

to

Harold W. Pierpoint and  
Barbara J. Pierpoint, his  
wife,

Consideration - \$1.00

Remise, Release and Quit Claim:-

All of the land owned by grantors lying in the West 907 feet  
of the Southeast Quarter (SE/4) of Section Twenty-seven (27),  
Township Twenty-four (24) South, Range Eighteen (18) East.

QUIT-CLAIM DEED

Dated September 11, 1967

Ack. September 11, 1967  
Before Alberta Ann Jeffery, N.P.  
Allen County, Kansas  
(SEAL)

Filed September 14, 1967 at 4:15 P.M.

Recorded Book 146, Page 487.

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Harold W. Pierpoint  
and Barbara J. Pierpoint,  
his wife,

to

Frederick G. Apt, Jr.

Consideration - \$1.00

QUIT CLAIM DEED

Dated September 11th, 1967

Ack. September 11th, 1967  
Before Alberta Ann Jeffery, N.P.  
Allen County, Kansas (SEAL)

Filed September 15, 1967 at 10:25 A.M.

Recorded Book 146, Page 489.

Remise, Release and Quit Claim:-

All of the land owned by grantors lying in the Southeast  
Quarter (SE  $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Twenty-four  
(24) South, Range Eighteen (18) East less the West 907 feet of  
said SE  $\frac{1}{4}$ .

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Frederick G. Apt, Jr., and  
Denise C. Apt, his wife,

to

Marvin E. Boyer Oil Co.,

Consideration - \$1.00

QUIT-CLAIM DEED

Dated July 2, 1968

Ack. July 2, 1968

By Frederick G. Apt, Jr. and  
Denise C. Apt, his wife  
Before Alberta Ann Jeffery, N.P.,  
Allen County, Kansas (SEAL)

Filed August 28, 1968 at 3:30 P.M.

Recorded Book 147, Page 635.

Remise, Release and Quit Claim:- All of the land owned by grantors lying in the Southeast Quarter (SE/4) of Section Twenty-seven (27), Township Twenty-four (24) South, Range Eighteen (18) less the West 907 feet of said SE/4.

It being the intention of grantors to convey all that property which the grantors acquired by deed dated September 11, 1967, from Harold W. Pierpoint and Barbara J. Pierpoint, which deed was recorded September 15, 1967, in Book 146, page 489, Register of Deeds Office, Allen County, Kansas, and which said property is described in this conveyance was obtained by corporation deeds dated February 23, 1961, recorded January 24, 1962 in Book 183, Page 248; January 22, 1962, recorded November 26, 1963, in Book 141 at page 108; and January 24, 1962, recorded February 28, 1967, in Book 145, at page 398, all in the Register of Deeds Office, Allen County, Kansas.

/s/ Frederick G. Apt

Denise C. Apt



---40---

Harold W. Pierpoint and  
Barbara J. Pierpoint, husband  
and wife,

to

Barbara J. Pierpoint,  
her heirs and assigns,

Consideration - \$1.00

Convey and Warrant:- xx xx xx

WARRANTY DEED

Dated August 1st, 1969

Ack. August 1st, 1969  
Before Dorothy Saxton, N.P.,  
ALLEN COUNTY, KANSAS  
(SEAL)

Filed August 1, 1969 at 3:15 P.M.

Recorded Book 149, Page 118.

A tract of land located in the Southeast Quarter (SE $\frac{1}{4}$ ) of  
Section 27, Township 24 South, Range 18 East of the Sixth Principal  
Meridian, described as follows, to-wit:

Commencing at the Northwest corner of said SE $\frac{1}{4}$ , thence East  
907 feet; thence South 1277.94 feet to the North line of the  
Missouri Pacific Railway right-of-way; thence continuing on South  
across the railroad right-of-way 100 feet to the South line of  
said Railroad right-of-way; thence West parallel with said right-  
of-way 156.75 feet; thence South 768 feet; thence West 201.08  
feet; thence South 353.05 feet to the center of the bed of Coon Creek  
at a point 149 feet North of the South line of said SE $\frac{1}{4}$  Section;  
thence in a Northwesterly direction up the center of the bed of  
Coon Creek to the West line of the West side of said Quarter Section;  
thence North on said West line to the Northwest corner of said  
SE $\frac{1}{4}$ , being the place of beginning;

LESS and EXCEPT: Railroad right-of-way of Missouri Pacific  
Main Line of 100 feet in width and switch right-of-way of 50 feet  
in width to oil loading rack and smelter.

---40 continued.

ALSO LESS and EXCEPT the following described tracts:-

(A). A tract lying North of the South boundary of the County Road described as follows: Commencing at the Northwest corner of the SE $\frac{1}{4}$  of Section 27, Township 24 South, Range 18 East of the Sixth Principal Meridian, thence East 70 rods, thence South to the South boundary of the County Gravel Road running East and West through said section, thence North along the Section line to place of beginning. thence West to the West side of said Section,

(B).. A strip of land in the SE $\frac{1}{4}$  of Section 27, Township 24 South, Range 18 East of the 6th Principal Meridian, 50 feet in width, being South and East 50 feet of a strip of land 75 feet wide on the South and East side of center line of track as now located to what was formerly the W & J Lanyon Smelter Works, beginning at North line of right-of-way of Ft. Scott, Wichita, and Western division of the Kansas and Colorado Pacific Railway (Now Missouri Pacific Railroad) and extending 1240 feet more or less to the West line of what was formerly the W & J Lanyon land.

(C). Beginning at a point 2197.7 feet North and 1445.8 feet West of the Southeast corner of Section 27, Township 24 South, Range 18 East of the 6th Principal Meridian, thence South 239.5 feet, thence West 144.2 feet to the East line of property formerly owned by the Iola Pipeline Company, thence in a Northeasterly direction on a line 75 feet East and at right angles parallel to the center line of the Missouri Pacific Railroad to the point of beginning, containing .44 of an acre, more or less.

AND

South 464 feet of Southeast Quarter (SE $\frac{1}{4}$ ) in Section Twenty-one (21), Containing 28 acres, more or less,

Southwest Quarter (SW $\frac{1}{4}$ ) lying east of River, less North 2176 feet in Section Twenty-one (21), containing 5 acres more or less,

South 464 feet of Southwest Quarter (SW $\frac{1}{4}$ ) in Section Twenty-two (22), containing 28.1 acres more or less,

Part of the Northwest Quarter (NW $\frac{1}{4}$ ), commencing at the Northeast corner, thence West to Section line, thence South 945.5 feet, thence East 2344 feet, thence North 213.5 feet, thence East 296 feet, thence North 732 feet to beginning, in Section Twenty-seven (27), (55.8 acres),

AND, Northeast Quarter (NE $\frac{1}{4}$ ), less South 1694.5 feet, in Section Twenty-eight (28), containing 57.4 acres, more or less,

AND, Part of Northwest Quarter (NW $\frac{1}{4}$ ) lying East of River, less South 1694.5 feet, in Section 28, containing 5.95 acres, more or less, ALL in Township Twenty-four (24) Range Eighteen;

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Barbara J. Pierpoint and  
Harold W. Pierpoint, her  
husband

DEED

Dated September 21, 1970

to

Ack. September 29th, 1970  
Before W. B. Oakes, N.P.,  
WOODSON COUNTY, KANSAS  
(SEAL)

Carl C. Conger and  
Mary A. Conger, husband  
and wife, as joint tenants  
with the right of survivor-  
ship and not as tenants in  
common,

Filed December 1, 1972 at 4:45 P.M.

Recorded Book 153, Page 480.

Convey:- xx xx xx

A tract of land located in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section  
Twenty-seven (27), Township Twenty-four (24) South, Range Eighteen  
(18) East of the Sixth Principal Meridian, described as follows,  
to-wit:

Commencing at a point on the West line of said SE $\frac{1}{4}$  426.94  
feet south of the Northwest corner, being on the South  
line of the county road, thence East 907 feet, thence  
south 851 feet to the North line of the Missouri  
Pacific Railroad right-of-way, thence continuing on  
South across the railroad right-of-way 100 feet to  
the South line of said Railroad right-of-way, thence  
West parallel with said right-of-way 156.75 feet,  
thence South 768 feet, thence West 201.08 feet, thence  
South 353.05 feet to the center of the bed of Coon  
Creek, at a point 149 feet North of the South line of  
said SE $\frac{1}{4}$ , thence in a Northwesterly direction up the  
center of the bed of Coon Creek to the West line of  
said SE $\frac{1}{4}$ , thence North on said West line to the place  
of beginning, LESS and EXCEPT a strip of land 50 feet  
in width, being South and East 50 feet of a strip of  
land 75 feet wide on the South and East side of center  
line of track as now located to what was formerly the  
W & J Lanyon Smelter Works, beginning at North line of  
right-of-way of Ft. Scott, Wichita, and Western divisions  
of the Kansas and Colorado Pacific Railway (now Missouri  
Pacific Railroad) and extending 1240 feet more or less  
to the West line of what was formerly the W & J Lanyon land; and  
EXCEPT the Railroad right-of-way of Missouri Pacific Main Line  
of 100 feet in width and switch right-of-way of 50 feet  
in width.

xx xx xx

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Carl C. Conger and  
Mary A. Conger, husband  
and wife

GENERAL WARRANTY DEED

Dated February 24th, 1983

Ack. February 24th, 1983  
Before Thomas L. Wilson, N.P.,  
Woodson COUNTY, Kansas  
(STATE SEAL)

to

Filed March 10th, 1983 at 8:00 A.M.

Carl C. Conger,

Recorded Book 170, Page 588.

Convey and Warrant:- xx xx xx

A tract of land located in the Southeast Quarter (SE1/4) of Section Twenty-seven (27), Township Twenty-four (24) South, Range Eighteen (18) East of the Sixth Principal Meridian, described as follows, to-wit:

Commencing at a point on the West line of said Southeast Quarter (SE1/4) 426.94 feet South of the Northwest corner, being on the South line of the county road, thence East 907 feet, thence South 851 feet to the North line of the Missouri Pacific Railroad right-of-way, thence continuing on South across the railroad right-of-way 100 feet to the South line of said Railroad right-of-way, thence West parallel with said right-of-way 156.75 feet, thence South 768 feet, thence West 201.08 feet, thence South 353.05 feet to the center of the bed of Coon Creek, at a point 149 feet North of the South line of said Southeast Quarter (SE1/4), thence in a Northwesterly direction up the center of the bed of Coon Creek to the West line of said Southeast Quarter (SE1/4), thence North on said West line to the place of beginning, LESS and EXCEPT a strip of land 50 feet in width, being South and East 50 feet of a strip of land 75 feet wide on the South and East side of center line of tract as now located to what was formerly the W & J Lanyon, Smelter Works, beginning at North line of right-of-way of Ft. Scott, Wichita, and Western divisions of the Kansas and Colorado Pacific Railway (Now Missouri-Pacific Railroad) and extending 1240 feet more or less to the West line of what was formerly the W & J Lanyon Land; and EXCEPT the railroad right-of-way of Missouri-Pacific Main Line of 100 feet in width and switch right-of-way of 50 feet in width.

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FILED: DEC 22 1965

IN THE DISTRICT COURT OF ALLEN COUNTY, KANSAS

IN THE MATTER OF ACQUISITION  
OF PROPERTY BY EMINENT DOMAIN

The City of Iola, Kansas,  
a municipal corporation

Plaintiff

vs.

No. 23719

Charles Shebanek and Ethel Shebanek, husband and wife, Kenneth E. Wright, Pet Milk Company, a corporation, Producers Pipe Line Company, Inc., and Sinclair Pipeline Company, a Delaware corporation

Defendants

PETITION FOR EMINENT DOMAIN PROCEEDING: December 21, 1965, Charles H. Apt, Attorney for Plaintiff, City of Iola, makes verified Petition which is filed December 22, 1965 and states:

1. That it is a municipal corporation duly organized, existing and constituted under and by virtue of the constitution and laws of the State of Kansas.
2. That it seeks to exercise the power of eminent domain granted it by the following statutes of the State of Kansas: K.S.A. 12-2123, K.S.A. 26-201 in accordance with the provisions of the Eminent Domain Procedure Act of 1963.
3. That this taking of private property for public use is necessary for the purpose of acquiring a disposal site for garbage, rubbish and trash as authorized by the statutes set out above.
4. That it has performed all acts prescribed by the State of Kansas preliminary to the exercise of the power of eminent domain, including:
  - a. Resolution 956 resolving it necessary and the intention of said City to acquire said site.
  - b. Ordinance 1538 declaring it necessary for the City of Iola to appropriate said land for the purpose of a disposal site for garbage, rubbish and trash and to provide for the making of a survey and description of said property by the County Engineer.
  - c. Engineer's report of the survey as provided for under Ordinance 1538 by the County Engineer

dated October 27, 1965, filed in the office of the City Clerk, October 27, 1965.

- d. By ordinance and publication thereof as required by law appropriating and condemning said property herein involved by the plaintiff, Ordinance 1544.

5. That the fee interest in the following described tract of property has been determined necessary for plaintiff's lawful purposes:

Parcel No. 1

OWNERSHIP:

Charles Shebanek and Ethel Shebanek, husband and wife as joint tenants with right of survivorship and not as tenants in common, 932 Yuba, Richmond, California; Kenneth E. Wright, tenant in possession, 617 North Colborn, Iola, Kansas; Pet Milk Company, Arcadia Building, St. Louis, Missouri, water discharge and flowage easement; Producers Pipe Line Company, Inc., Iola, Kansas, pipe line right of way; Sinclair Pipeline Company, Sinclair Building, Independence, Kansas, pipeline right of way;

DESCRIPTION: A tract of land situated in the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) and in the Northwest Quarter of the Southeast Quarter (NW/4 SE/4) of Section Twenty-seven (27), Township Twenty-four (24) South, Range Eighteen (18) East of the Sixth Principal Meridian in Allen County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of said Section 27, thence North 1320.4 feet to the Northwest corner of said Southwest Quarter of the Northeast Quarter (SW/4 NE/4); thence East along the North side of said Southwest Quarter of Northeast Quarter (SW/4 NE/4) 1218.1 feet to the Northwest corner of Iola Industrial Tract No. 1, an Addition to the City of Iola, Kansas; thence South along the west side of said addition 1644.6 feet to the North right-of-way of a public road; thence West along the North right-of-way 1226.0 feet to the West side of the Northwest Quarter of the Southeast Quarter (NW/4 SE/4); thence North 292.7 feet to point of beginning. Containing 45.696 acres, more or less.

6. Whereupon the plaintiff City of Iola respectfully moves the Court for an order setting the time for consideration of this petition.

Further plaintiff respectfully moves the Court for an order upon consideration of the petition finding that plaintiff has the power of eminent domain and finding that the taking set out in this petition is necessary for the lawful purposes of plaintiff.

Further plaintiff respectfully moves the Court for an order allowing consideration of the petition appointing three (3) disinterested householders as appraisers and setting a date for filing of the appraisers report.

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The City of Iola, Kansas, a  
municipal corporation and  
city of the second class

WARRANTY DEED

Dated June 21st, 1967

Ack. June 21, 1967  
By Jack E. Hastings, Mayor of  
the City of Iola, a municipal  
corporation, and V. C. Perkins,  
City Clerk of said corporation,  
Before Robert L. Gardner, N.P.,  
Allen County, Kansas (SEAL)

to

Iola Molded Plastics, Inc.,  
a corporation,

Filed June 21, 1967 at 2:45 P.M.

Consideration - \$2,025.00

Recorded Book 146, Page 78.

Conveys and Warrants:- A tract of land situated in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, Township 24 South, Range 18 East of the 6th Principal Meridian, more particularly described as follows: Beginning at the NW corner of Lot 8, Iola Industrial Tract #1, an addition to the City of Iola, said point being 1,218.1 feet East and 1,272.35 feet South of NW corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 27; thence West parallel to the North side of said SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 400 feet; thence South parallel to the West side of Industrial Tract, 414.20 feet to a point 30 feet North of the center line of West Lincoln Street road; thence East parallel to West Lincoln Street road, 400 feet to the West side of Lot 8 of Industrial Tract; thence North along the West side of Lot 8, 422.25 feet to the point of beginning. The above tract contains 3.8402 acres, more or less.

ATTEST:

CITY OF IOLA, KANSAS

/s/ V. C. Perkins  
City Clerk

By: /s/ Jack E. Hastings  
Mayor

---45---

Iola Molded Plastics, Inc.,  
a corporation duly organized  
and incorporated and  
existing under and by virtue  
of the laws of the State of  
Kansas,

to

American Photocopy Equip-  
ment Company, a corporation,  
duly organized, incorporated  
and existing under and by  
virtue of the laws of the  
state of Delaware,

Consideration - exchange of  
property and other good  
and valuable consideration,

Conveys and Warrants:- xx xx xx

TRACT NO. 2:

A tract of land situated in the SW/4 of the NE/4, and  
the NW/4 of the SE/4 of Section 27, Township 24 South,  
Range 18 East of the Sixth Principal Meridian, more  
particularly described as follows:

Beginning at the NW corner of Lot 8, Iola  
Industrial Tract #1, an addition to the City of  
Iola, said point being 1,218.1 feet East and  
1,272.35 feet South of NW corner of the SW/4  
NE/4 of said Section 27; thence West parallel  
to the North side of said SW/4 NE/4, 400 feet;  
thence South parallel to the West side of  
Industrial Tract, 362.60 feet to a point 30  
feet North of the center line of West Lincoln  
Street road; thence East parallel to West Lincoln  
Street road, 400 feet to the West side of Lot 8,  
of Industrial Tract; thence North along the West  
side of Lot 8, 372.25 feet to the point of beginning.  
The above tract contains 3.3740 acres, more or less.

xx xx xx

ATTEST:

/s/ Howard K. Gilpin  
Howard K. Gilpin,  
Its Assistant Secretary

(CORPORATE SEAL)

CORPORATION DEED - GENERAL WARRANTY

Dated May 20, 1969

Ack. May 20th, 1969  
By Ben C. Ellis, President of  
Iola Molded Plastics, Inc., a  
corporation duly organized, incor-  
porated and existing under  
and by virtue of the laws of  
Kansas, and Howard K. Gilpin,  
Assistant Secretary of said  
corporation,  
Before R. Slater, N.P.  
COOK COUNTY, ILLINOIS  
(SEAL)

Filed June 13, 1969 at 4:15 P.M.

Recorded Book 149, Page 13.

IOLA MOLDED PLASTICS, INC.,  
a Kansas Corporation,

By: /s/ Ben C. Ellis  
Ben C. Ellis, Its President



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Apeco Corporation, Debtor  
in Possession a corporation,  
incorporated and existing  
under the laws of the State  
of Delaware

DEED

Dated June 26, 1978

Ack. June 26, 1978  
By Arthur S. Nicholas, President  
of APECO CORPORATION, a corp-  
oration, incorporated and  
existing under the laws of  
Delaware, and ROBERT A. CURLEY,  
Secretary of said corporation,  
xx xx xx to be the act and deed  
of said corporation.

to

IMP Boats, Inc., a Kansas  
corporation;

Filed June 26, 1978 at 5:00 P.M.

Consideration - \$10.00

Recorded Book 164, Page 109.

Conveys:- xx xx xx

Tract No. 2:

A tract of land situated in the SW-1/4 of the NE-1/4 and  
NW-1/4 of the SE-1/4 of Section 27, Township 24 South, Range  
18 East of the 6th Principal Meridian, more particularly descri-  
bed as follows:

Beginning at the NW corner of Lot 8, Iola Industrial Tract  
#1, an Addition to the City of Iola, said point being  
1,218.1 feet East and 1,272.35 feet South of NW Corner of  
the SW-1/4 NE-1/4 of said Section 27; thence West parallel  
to the North side of the said SW-1/4 NE-1/4 400 feet; thence  
South parallel to the West side of Industrial Tract,  
362.60 feet to a point 30 feet North of the center line  
of West Lincoln Street Road; thence East parallel to the  
West Lincoln Street Road, 400 feet to the West side of  
Lot 8 of Industrial Tract, thence North along the West  
side of Lot 8 372.25 feet to the point of beginning.

xx xx xx

APECO CORPORATION  
Debtor in Possession

Attest:

/s/ JfP Arthur S. Nicholas  
President

/s/ JfP Robert A. Curley  
Secretary

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Ronald D. Moore, Sheriff  
of Allen County, Kansas,

SHERIFF'S DEED

Dated December 1st, 1992

to

Ack. December 1st, 1992  
Before Lori L. Eckroat, N.P.,  
ALLEN COUNTY, KANSAS  
(STATE SEAL)

Allen County, Kansas, its  
successors and assigns  
forever.

Filed December 2nd, 1992 at 8:00 A.M.

Consideration - \$38,899.52

Recorded Book 185, Page 603.

Conveys:- xx xx xx

A tract of land situated in the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter (SW/4 NE/4 NW/4 SE/4) of Section Twenty-seven (27), Township Twenty-four (24) South, Range Eighteen (18) East of the Sixth Principal Meridian, Allen County, Kansas, more particularly described as follows: BEGINNING at the Northwest corner of Lot Eight (8), Iola Industrial Tract No. 1, an Addition to the City of Iola, said point being 1,281.1 feet East and 1,272.35 feet South of the Northwest corner of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of said Section 27; thence West parallel to the North side of the said Southwest Quarter of the Northeast Quarter (SW/4 NE/4) 400 feet; thence South parallel to the West side of Iola Industrial Tract, 362.60 feet to a point 30 feet North of the center line of West Lincoln Street road; thence East parallel to the West Lincoln Street Road, 400 feet to the West side of Lot 8 of Industrial Tract, thence North along the West side of Lot 8, 372.25 feet to the point of beginning; \$38,899.52; AND

xx xx xx

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Board of County Commissioners  
of Allen County, Kansas,

COUNTY CLERK'S DEED

Dated June 21st, 1993

to

Ack. June 21st, 1993  
By Laura B. Baker, County Clerk  
of Allen County, Kansas,  
Before Cristine M. Bacon, N.P.,  
ALLEN COUNTY, KANSAS  
(STATE SEAL)

Westbottom Properties, Inc.,

Filed August 17, 1993 at 3:15 P.M.

Consideration - \$10,100.00

Recorded Book 187, Page 230.

Conveys:- xx xx xx

TRACT II: A tract of land situated in the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter (SW/4 NE/4 & NW/4 SE/4) of Section Twenty-seven (27), Township Twenty-four (24) South, Range Eighteen (18) East of the Sixth Principal Meridian, more particularly described as follows: BEGINNING at the Northwest corner of Lot Eight (8), Iola Industrial Tract No. 1, an Addition to the City of Iola, said point being 1,281.1 feet East and 1,272.35 feet South of the Northwest corner of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of said Section 27; thence West parallel to the North side of the said Southwest Quarter of the Northeast Quarter (SW/4 NE/4) 400 feet; thence South parallel to the West side of Iola Industrial Tract, 362.60 feet to a point 30 feet North of the center line of West Lincoln Street road; thence East parallel to the West Lincoln Street Road, 400 feet to the West side of Lot 8 of Industrial Tract, thence North along the West side of Lot 8, 372.25 feet to the point of beginning, all in Allen County, Kansas;

xx xx xx

/s/ Laura B. Baker  
Laura B. Baker, County Clerk

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The City of Iola, Kansas,  
a municipal corporation

WARRANTY DEED

Dated March 9th, 1970

Ack. March 9th, 1970  
By Jack E. Hastings, Mayor, and  
V. C. Perkins, City Clerk  
Before Robert L. Gardner, N.P.,  
Allen COUNTY, KANSAS  
(SEAL)

to

Producers Pipeline Company,  
Inc., a corporation

Filed March 9, 1970 at 1:45 P.M.

Consideration - 1.00

Recorded Book 149, Page 543.

Conveys and Warrants:- Beginning at a point 818.1 ft. Easterly and 1272.35 ft. Southerly from the NW corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 27, Township 24 South, Range 18 East of the 6th P.M., Allen County, Kansas, thence west parallel to the North line of said SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 256.55 ft.; thence Southerly at an angle of 90°14'20" to the last described course, parallel to the West line of Iola Industrial Tract #1, 336.43 ft. to a point 50 ft. Northerly at a right angle from the center line of West Lincoln St.; thence Easterly parallel to the center line of West Lincoln St., at an angle to the last described course of 91° 08' 20", 256.61 ft.; thence Northerly at an angle of 88° 51' 40" to the last described course parallel to the west side of Iola Industrial Tract #1, 342.60 ft., to the point of beginning, containing 1.9955 acres,

THE CITY OF IOLA, KANSAS (SEAL)

Attest: (SEAL)

/s/ V. C. Perkins  
City Clerk

By: /s/ Jack E. Hastings  
Mayor

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PRODUCERS PIPE LINE COMPANY,  
INC. IOLA, KANSAS

CORPORATION DEED

Dated June 22, 1977

to

Ack. June 23, 1977  
By Mack C. Colt, President of  
Producers Pipe Line Company, Inc.  
Before Garnet C. Moore, N.P.,  
Allen Co., Kansas (STATE SEAL)

MARVIN E. BOYER OIL CO., INC.

Filed November 2, 1977 at 9:50 A.M.

Consideration - \$1.00

Recorded Book 162, Page 585.

Conveys:- Beginning at a point 818.1 ft. Easterly and 1272.35 ft. Southerly from the NW corner of the SW /4 of the NE/4 of Section 27, Township 24 South, Range 18 East of the 6th P.M., Allen County, Kansas, thence west parallel to the North line of said SW/4 NE/4, 256.55 ft.; thence Southerly at an angle of 90°14'20" to the last described course, parallel to the West line of Iola Industrial Tract #1, 336.43 ft. to a point 50 ft. Northerly at a right angle from the center line of West Lincoln St.; thence Easterly parallel to the center line of West Lincoln St. at an angle to the last described course of 91°08'20", 256.61 ft. thence Northerly at an angle of 88°51'40" to the last described course parallel to the west side of Iola Industrial Tract #1, 342.60 ft., to the point of beginning, containing 1.9955 acres.

s/ PRODUCERS PIPE LINE COMPANY, INC.  
a corporation  
By Mack C. Colt, President  
Attest: Stanley E. Toland, Secretary  
of Producers Pipe Line Company, Inc.  
a corporation (Corporate)  
(SEAL)